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EXAMINER
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NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/490,529

Applicant(s)

ROSLAK ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/04/2003 (the 1st election).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-12, 14-19 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 14-19 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. This Office Action is the answer to the Supplemental Office Action received on 9/02/2003, and the 1<sup>st</sup> election on 11/04/2003, which papers have been placed of record.
2. Claims 1-8, 10-12, 14-19, and 23-27 have been elected for continuing examination.

#### **Election**

3. On 11/04/2003, the applicants' representative (Mr. Dave Grillo, Reg. No. 52970) elected pending "system" claims 1-8, 10-12, 14-19, and 23-27 for examinations because of the 35 USC 101 requirements (the second election requirement (mailed on 12/31/2003) was vacated as a result of a telephone interview on 1/30/2004).

#### **Response**

4. The examiner withdrew paper# 12 about election of species requirement (mailed on 12/31/2003); therefore, claims 1-8, 10-12, 14-19, 23-27 are pending (according to the 1<sup>st</sup> election on 11/04/2003).

The Final Office Action mailed on 5/23/2003 is withdrawn due to the amendment received on 9/02/2003. However, this Office Action is necessitated to make Final since the submitted amendment did not narrowing the claimed subject matter to be distinguished from prior art; the examiner told the representative that merely adding a barcode storage device and a proximity sensor to the claimed system do not make claimed subject matter not obvious to one of ordinary skill in the art because a system's configurations comprise structural components, structural modules that making up said claimed system,

and the added components are already old and well-known, it is just a matter of integrating known components together - (see *In re Murray*, 19 CCPA 739, 53 F.2d 541, 11 USPQ 155; *In re Zabel et al.*, 38 CCPA 832, 186 F.2d 735, 88 USPQ 367 wherein above barcode storage device and a proximity sensor would be integrated into O'Hagan et al.'s system - There is also a requirement that the integration of those claimed components involve more than mere mechanical skill, currently the claim does not specify that). The examiner submits that after a supplemental search, pending claims are necessitated new grounds of rejections on obviousness. The examiner regrets that there was a misunderstanding that after amending, pending claims may be allowable.

The new grounds for rejections due to this amendment also applying to claims 2-8, 10-12, 14-19 because they are incorporated rejection's references that are used for claim 1 (Kowala's reference (as a primary reference) is still proper for a "system" claim because it would be obvious to one with ordinary skill in the art at the time of invention to utilize/integrate available electronic components/devices in Kowala's system to perform the claimed functions).

### **Specification Objection**

5. The examiner suggests a better title "A personal shopping system at shopping establishments and remote locations over a communication network".

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

A. Re. To claim 1: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat.6,236,974).

O'Hagan et al. teach a computer system and remote terminals over a communication network (see **O'Hagan**, Fig.1), comprising:

- a computer structure (see **O'Hagan**, Fig.1) – i.e., merchant/store servers (a POS), a remote/home terminal, and information servers;

O'Hagan et al. teach about using a barcode storage device for storing codes after reading them, and then transferring them (see **O'Hagan**, claim 7 and Fig.16 – where UPC codes of products are used for claimed purposes).

O'Hagan et al. teach about using optical sensors to detect proximity (see **O'Hagan**, claim 8).

O'Hagan et al. do not expressly disclose that “a centrally server/controller for communicating with said terminal/computer system and said remote terminal via a network”.

- However, Kolawa et al. disclose that “It is not important how the store server interacts with the store computer system”; Kolawa obviously teach communications can go through an intermediate server then to a store's terminal (see **Kowala**, 4:10-22).

- It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the configuration in the system of O'Hagan et al., with Kolawa's teaching because Kolawa clearly discloses the use of a

computer server as a host between a customer in the Internet and a store's terminal; this configuration is much more flexible to many customers and merchant.

B. Re. To claim 7: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974), and further in view of available old and well-known tools for computer's application.

The rationales and references for rejection of claim 1 are incorporated.

It is old and well-know that any computer with a look-up table (LUT) (i.e., a database of products containing related prices of a store), and a calculating function storing in its hard drive & its microprocessor would do conversions as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the configuration in the system of O'Hagan et al., and Kolawa, with the above facts because that configuration is recognized to be very convenient to modify/edit with current status of prices/products; furthermore, conversion functions would be made using that store computer's microprocessor and pre-determined formulas.

C. Re. To claim 8: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974).

The rationales and references for rejection of claim 1 are incorporated.

The examiner respectfully submits that it is old and well-known that a computer using a modem for communication with secured lines because artisans in the art would recognize that it needs a secured and critical line in transactions relating to money; and silent communications were known to be available options (a designer's choice – "...transferring data to and from the shopping terminal without disturbing a user" is merely an intent of use) that a user would select to turn ON/OFF depending on that user's desire (e.g., turning ON/OFF that computer's speakers).

D. Re. To claim 14: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat.6,236,974).

The rationales and references for rejection of claim 1 are incorporated.

The examiner submits that Kowala teaches about integrating communications means for interfacing ports that utilize local/remote communications, e.g. components in a master computer/controller on a network that can control slave computers for communicating voice data, ordering goods remotely via Internet.

O'Hagan et al. do not expressly disclose those claimed means.

- However, Kolawa et al. obviously disclose the utilization of those means by showing a communication structure in Fig.1, references 40, 50, 60, and 70.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the configuration in the system of O'Hagan et al., and Kolawa because Kolawa clearly discloses the use of a computer

structure to communicate with the Internet; this configuration shows communication's capabilities when using a computer coupling to the Internet.

E. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat.6,236,974), and further in view of Wren (US Pat. 6,055,514).

The rationales and references for rejection of claim 1 are incorporated.

O'Hagan et al. and Kolawa et al. do not disclose a shopping terminal using means for finger-print identification.

The examiner submits that using finger-print for verification has been well-known in business transaction (see **Wren**, 12:14-34): "For an application of this system in homes the input device could be a television remote control device perhaps with alterations comprising cursor movement keys, a joystick, or a microphone for voice input. In recording this product information the customer can then save or take the desired information with him for his later review which might comprise instructions for use, operation, or assembly and can include a list of suggested products or services as advised by the live representative or by the central facility computer. Such information might be recorded on paper, magnetically such as upon a cassette, video tape, computer disc, CD, or a chip embedded or smart card, or by some other means. Comparably the central facility can record the transaction for later retrieval so the customer can continue where he left off at a later date should his interest renew or for identification purposes or for possible assistance in resolving disputes. Other means to verify identification of the customer can be used comprising magnetically encoded badges or cards, or the use of eye



or finger scanning devices. Additionally, a mail bag 28 or other means for remitting payment or documents is provided at the remote facility 14.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the above configurations in the systems of O'Hagan et al., Kolawa et al., and Wren because artisans would recognize that means for biometric verifying a customer identification using finger-prints are very distinguishable in a money transaction.

F. As to claim 2: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974), and further in view of Ruppert et al. (US Pat. 5,424,524).

The rationales and references for rejection of claim 1 are incorporated.

O'Hagan et al. and Kowala et al. do not disclose a portable shopping terminal comprising an elongated pen-shaped housing having an end with an optically transparent passage there through.

However, since this is an application for a utility patent, not for a design patent; the examiner submits that claimed device's functionality is equivalent to a scanner with a pen-shaped housing that Ruppert et al. have in their system (see **Ruppert et al.**, Figs. 1, and 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that improving comfortable by changing structural configuration of a pen while scanning bar-codes.

G. As to claim 3: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974), and further in view of Ruppert et al. (US Pat. 5,424,524) and Bianco (US Pat. 5,047,614).

The rationales and references for rejection of claim 1 are incorporated.

Ruppert et al. further teach a computer system and remote terminals over a communication network, wherein said shopping terminal is a portable terminal, said portable terminal comprising:

- a structure with a touch sensitive display disposed on said front surface; buttons to activate scanning functions; a bar-code reader, said bar code reader having (see **Ruppert** et al., the abstract, and Fig.1);

Since this is an application for an utility patent, not for a design patent.

The examiner submits that Bianco teaches a portable scanner with a housing, activation button/switch, means for reading bar codes, and this scanner performs equivalent functions as claimed (see **Bianco**, Fig.4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., Bianco, and Ruppert et al. because artisans would recognize that structural configuration makes a scanner easy to hold as a pen in scanning barcodes.

H. As to claim 4: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US

Pat.6,236,974), and further in view of Ruppert et al. (US Pat. 5,424,524) and Bianco (US Pat. 5,047,614).

The rationales and references for rejection of claim 3 are incorporated.

O'Hagan et al., and Kowala do not disclose that "portable terminal further comprises a touch sensitive area within said touch sensitive display for receiving data inputs from a pen" and a scanner with "an elongated pen-shaped".

However, Ruppert et al., and Bianco teach those limitations.

**Ruppert** et al. teach a computer system and remote terminals over a communication network wherein said portable terminal further comprises a touch sensitive area within said touch sensitive display for receiving data inputs from a pen (see **Ruppert** et al., the abstract, and Fig.1).

Since this is an application for an utility patent, not for a design patent. The examiner submits that "an elongated pen-shaped ... ." is equivalent to a scanner that Bianco teaches (see **Bianco**, Fig.4).

The examiner submits that it is obvious to one with ordinary skill in the art to use any available type of input (e.g., keyboard, pen, voice recognitions .etc.). an elongated pen-shaped housing having an end with an optically transparent passage there through.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., Bianco, and Ruppert et al. because artisans would recognize that combination creates a configuration being easy to hold as a pen in scanning barcodes.

I. As to claim 5: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974), in view of Ruppert et al. (US Pat. 5,424,524) and in view of Bianco (US Pat. 5,047,614).

The rationales and references for rejection of claim 3 are incorporated.

**Bianco** also teaches a computer system and a scanner terminal/ (a remote terminal) over a communication network.

Bianco doesn't disclose a portable scanner comprising an information key for allowing a user to display product information.

However, the examiner respectfully submits that a portable terminal comprises an information key for allowing a user to display product information has been well-known in computer users (e.g., a "hot" key).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., Bianco, Ruppert et al., and the taken Official Notice because artisans would recognize that configuration is easy to remember a special key that doing a familiar function on a portable device.

J. As to claim 6: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974), and further in view of Bianco (US Pat. 5,047,614).

The rationales and references for rejection of claim 1 are incorporated.

**Bianco** et al. further teach a computer system and remote terminals over a communication network wherein said computer's microprocessor creates a customer's profile.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of **O'Hagan** et al., **Kolawa** et al., **Ruppert** et al., and **Bianco** because artisans would recognize that "a computer system and remote terminals over a communication network wherein said controller comprises inference means for deriving a shopping profile for the customer".

K. As to claim 10: The rationales and references for rejection of claim 1 are incorporated.

**O'Hagan** et al. teach a computer system and remote terminals over a communication network (see **O'Hagan**, the abstract, Fig. 1); wherein said bar code storage device comprises:

- communication means for transferring said bar codes to said controller over said at least one network
- a bar code reader for reading bar codes from a hardcopy source, said bar code reader having a visible light indicator for indicating the scanning status of the barcode reader;
- memory storage mean coupled to said bar code reader for storing said bar codes; .

**O'Hagan** et al. do not disclose : one bar code activation button located on the top surface of said barcode storage device for activating said bar code reader; a

housing (not necessary an egg-shaped housing because this is a utility application for patent, not a designed patent);

However, Ruppert et al. teach those features (see **Ruppert et al.**, the abstract, and Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that configuration is easy to hold as a pen in scanning barcodes.

L. As to claim 11: The rationales and references for rejection of claim 1 are incorporated.

**Ruppert et al.** teach a computer system and remote terminals over a communication network, wherein said at least one shopping terminal comprises a scanning system comprising a wearable computer processor and a wearable scanning device in communication with the computer processor (Please note that Ruppert et al.'s portable device is light-weighted that can be wearable).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that configuration is easy to hold as a pen in scanning barcodes.

M. As to claim 12: The rationales and references for rejection of claim 11 are incorporated.

**Ruppert et al.** teach a computer system and remote terminals over a communication network wherein said scanning system further comprises a

headset having a speaker and a miniature display device for providing a audio, graphical and video information (see Ruppert, the abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that configuration is easy to hold as a pen in scanning barcodes.

N. As to claim 15: The rationales and references for rejection of claim 14 are incorporated.

**Ruppert et al.** teach a computer system and remote terminals over a communication network said controlling means (see **Ruppert**, the abstract "A microprocessor coupled to a bar code reader,") comprises:

- means for starting and restarting the operation of said shopping system;  
means for terminating the operation of said shopping system;
- means for displaying the operational status of said shopping system;  
means for controlling the day-to-day operations and maintenance tasks of the shopping system;
- means for displaying the status of communications related to said shopping system (see **Ruppert**, the abstract, Fig. 1);
- means for preparing said shopping system to accept an upcoming day's transactions (see **Ruppert**, the abstract "A microprocessor coupled to a bar code reader,");
- means for transferring price data files from the POS system to said controller (see **Ruppert**, the abstract, Fig. 1);; and

- means for allowing a system operator to disable checking on transactions by said controller so as to speed up checkout processing during busy periods .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that configuration is easy to hold as a pen in scanning barcodes.

O. As to claim 16: The rationales and references for rejection of claim 14 are incorporated.

**Ruppert et al.** teach a computer system and remote terminals over a communication network wherein said controlling means comprises means for processing transactions related to said shopping establishment including start of day processing, normal store processing, end of day processing and overnight processing (see **Ruppert**, the abstract, Fig. 3);.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that configuration is easy to hold as a pen in scanning barcodes.

P. As to claim 17: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat.6,236,974), and further in view of Ruppert et al. (US Pat. 5,424,524).

The rationales and references for rejection of claim 14 are incorporated.

**Ruppert et al.** teach a computer system and remote terminals over a communication network, wherein said means for remotely ordering goods is



used to generate a picking list from a home computing terminal having access to the Internet (see **Ruppert**, the abstract, Fig. 3);.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because artisans would recognize that configuration is easy to hold as a pen in scanning barcodes.

Q. As to claim 18: It is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US Pat. 6,314,406), in view of Kolawa et al. (US Pat. 6,236,974), and further in view of Ruppert et al. (US Pat. 5,424,524).

The rationales and references for rejection of claim 1 are incorporated.

For assisting a customer in shopping, Ruppert et al. teach a computer system and remote terminals over a communication network, wherein said shopping terminal is a portable terminal comprising means for freely associating with a corresponding communications network (e.g., "a portable terminal" here can be a telephone network using modem, a cable modem for Internet line, a wireless modem .etc.), (see **Ruppert**, the abstract, and Fig. 3 - ref. 85).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the above configurations in the systems of O'Hagan et al., Kolawa et al., and Ruppert et al. because they give more conveniences to users/customers.

**7. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolawa et al. (US Pat. 6,236,974), in view of the Official Notice.**

A. Re. To claim 23: In addition to Kolawa et al. suggestions, the examiner submits that it is old and well-known that **United Parcel Service (UPS)** practices following steps:

- associating a terminal with a server and a user/customer (by using a scanner to input related data – e.g., delivering time at a customer's address, the scanner is a means to do an association);
- scanning an item using a scanner at a delivery address;
- returning the scanner to the terminal receptacle (e.g., for battery charging, or for waiting of another usage);
- generating a receipt corresponding to a scanned item (e.g., a portable scanner couples to a computer and a printer); and
- distributing/purchasing a scanned item at a check-out station (e.g., at IKEA furniture stores, customers performed such step – therefore, the issue is just automation old manual steps in this claim – see in re Venner).

B. Re. To claim 24: In addition to Kolawa et al.'s suggestions, the Official Notice is taken that it is old and well-known with following claimed steps:

- checking-in by a customer (sign-in for services after arrival at a spot - e.g., in Lens Crafter stores, or sign-up for a service at a public library);
- authorizing a terminal/computer for use (at a public library); and
- obtaining an authorized terminal from its location (e.g., a librarian assigns an authorized computer to a patron).

C. Re. To claim 25: In addition to Kolawa et al. suggestions, the examiner respectfully submits that a step of associating a terminal with a network is old and well-known (e.g., a library patron registers to surf the web).

D. Re. To claim 26: In addition to Kolawa et al. suggestions, the examiner respectfully submits that it is old and well-known for a customer to practice following steps:

- generating a list from a remote location (e.g., customer orders from bestbuy.com using a generated shopping list – this step also can be done manually);
- forwarding said list to a controller/server (e.g., customer orders from bestbuy.com input a shopping list via a computer's keyboard);
- generating a picking list at the server/controller corresponding to items identified in the shopping list (e.g., generating a print-out for picking up items at a bestbuy warehouse); and
- collecting the items identified in the picking list for check-out/delivery (e.g., put items in said picking list in one box to scan barcodes on them for obtaining prices of ordered items).

E. Re. To claim 27: In addition to Kolawa et al. suggestions, the examiner respectfully submits that it is old and well-known with a customer to do following steps:

- generating a (shopping) list (e.g., customer orders from bestbuy.com using a shopping list);
- forwarding said list to a server/controller (e.g., bestbuy.com practice);

- generating a picking list at the server/controller (corresponding to items identified in a shopping list) this step is a MUST in order to do business;
- assigning a barcode to the picking list (e.g., this step has been done for UPS package; moreover, it can be a designer's choice to easily recognize different orders);
- printing a label showing the picking list ID barcode (e.g., this step has been done for UPS packages);
- scanning items corresponding to said picking list (e.g., checking out at circuit city stores); &
- collecting scanned items for check-out (this step is a MUST in order to do business; e.g., amazon.com business practice).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the above old and well-known steps with Kowala et al.'s teachings, because artisans would recognize these steps are logic procedures, organized and in good orders for being successful in various business practices.

### **Conclusion**

8. Claims 1-8, 10-12, 14-19, 23-27 are not patentable. Applicants' amendment necessitated new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. These following references are also considered combinable to meet claimed limitations:

The examiner submits that Wren (US Pat. 6,055,514 – filed 6/21/1996 and published on 4/25/2000) suggests claim 19 's limitation.

The following US Pat. suggest : scanning items to be purchased, collecting a scanned list, purchasing items at check-out point .

- **Stevens**, (US Pat. 6,327,570 – 12/2001, filed 11/06/1998, class 705/7,10), Personal business service system and method, about system and method of computerizing companies with customized individual addressable electronic direct marketing, self-service automation, and customer care support. The system contains a private network connecting product companies, manufacturers, stores, educational institutions, travel companies, medical providers, financial institutions, and many others to a specified individual customer. The connection is made to a personal agent device carried or worn by

a participating consumer that contains local processing means with an interactive display, security features, optional camera, and wireless communications with the private network. Communications microchips can be placed on products that communicate product information upon interrogation with the personal agent. The invention also includes business professional units in communication with the private network and in-store local wireless communication between personal agents and the business professional unit; docking stations for personal agent devices are also suggested.

- **Oosterveen** et al., (US Pat.5,468,942 – 11/21/1995, class. 235/383),

Dispensing device for hand scanners accessible from two sides, wherein said device is used in a self-service store adapted for use of a self-scanning system, said device comprises an identification device for customers and accommodating elements for hand scanners.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687 or 703-746-5572.

*Cuong H. Nguyen*

CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3625